OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. 0-2700-A
Re: Authority of Comptroller
to correct mistakes made
in charging traveling
expense appropriation
with items of expenditure
which should have been
paid from the maintenance
appropriation, for the
State Parks Board.

This will acknowledge receipt of your letter of August 31, 1940, wherein you refer to the request submitted to this department by the Texas State Parks Board, answered in our Opinion No. 0-2700, and request that this department advise you, in connection with such opinion, whether you will be authorized to transfer the amount of expenditures improperly charged to the traveling expense appropriation to the maintenance appropriation for the State Parks Board.

For your information, a copy of our Opinion No. 0-2700 is enclosed herewith. In such opinion we hold that gasoline used in pick-up trucks, which trucks are operated within the confines of a particular State park in the care and upkeep of said park, is not chargeable to the traveling expense appropriation of the Texas State Parks Board, but should be charged to the maintenance appropriation provided by the Legislature for the particular State park involved.

It follows that in such an instance, where the traveling expense appropriation has been charged with this expenditure, such appropriation has been charged with the payment of an item of expense for which it is not available. It is our opinion that in such an instance the Comptroller not only may, but must, correct this error by charging the

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proper appropriation out of which the expenditure is law-
fully to be paid with the item, and eliminating the charge
made, improperly, against the appropriation not available
for the particular expenditure.

<div align="right">
Yours very truly

ATTORNEY GENERAL OF TEXAS
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By

R. W. Fairchild
Assistant

RWF:RS
ENCLOSURE

APPROVEDSEP 13, 1940

ATTORNEY GENERAL OF TEXAS